

M E M O R A N D U M

TO: Mike Dupree, Deputy General Counsel
Legal Division

FROM: Robin Gremillion, Director
Disclosure Division

DATE: August 28, 2015

DOCKET: 2015-944

RE: KERNER, TIMOTHY P.
Tier 3 Candidate Personal Financial Disclosure Statement covering 2014
March 28, 2015 election
Mayor, Town of Lafitte – Jefferson Parish
Late Fee: \$1,500
WAIVER REQUEST

Mr. Kerner has served as mayor of the Town of Lafitte since first being elected in the April 1995 election. Mr. Kerner was most recently elected in the March 2015 election. He has filed personal financial disclosure statements since May 15, 2009. Mr. Kerner has filed a total of nine disclosure statements and/or amendments to date.

On July 23, 2015, Mr. Kerner timely requested a waiver of late fees related to the above referenced disclosure statement. He explained that he and his report preparer (Philip Rebowe) had a misunderstanding as to who would file the disclosure statement. Mr. Kerner also stated that he filed a disclosure statement about that same time in connection with his service on the West Jefferson Medical Center. A review of our records does not reflect any other filing. The chronology follows:

Tier 3 Candidate PFD covering calendar year 2014

- Original PFD due date: February 11, 2015
- NOD-FF Received: February 26, 2015
- PFD due date based on receipt of NOD: March 9, 2015
- PFD filed: August 11, 2015
- Days late from receipt of NOD: 133
- Total days late from initial due date: 183
- Late Fee Order Received: July 23, 2015
- Payment or waiver request due: August 12, 2015
- Waiver request received: July 23, 2015

Other PFD Late Fees: No

Other CF Late Fees: No

Outstanding Disclosures: No

Prior Disclosure Late Fees Suspended/Waived: No

Reassessed Late Fees: No



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS

P. O. BOX 4368
BATON ROUGE, LA 70821
(225) 219-5600
FAX: (225) 381-7271
1-800-842-6630
www.ethics.state.la.us

CERTIFIED MAIL

NO. 70143490000055261779

RETURN RECEIPT REQUESTED

February 20, 2015

Timothy P Kerner
1156 Jean Lafitte Blvd
Lafitte, LA 70067

RE: CANDIDATE - NOTICE OF DELINQUENCY
Mayor

Dear Mr. Kerner:

Pursuant to La. R.S. 18:1495.7, any person who becomes a candidate for an office (for which the holder of the office is required to file a financial disclosure statement) shall file a financial disclosure statement for the office for which he is a candidate within three business days of the day the candidate files his notice of candidacy for the office.

Your Tier 3 Personal Financial Disclosure statement covering 2014, related to your candidacy in the March 28, 2015 election, was due in this office on or before February 11, 2015. As of this date, the Statement has not been received. **You have 7 business days from the date of receipt of this Notice** to file your personal financial disclosure statement with this Board.

Pursuant to La. R.S. 42:1124.4, failure to file your Statement within the 7 business days, shall subject you to an automatic late filing fee of \$50 per day up to a maximum of \$1,500. Proof of timely filing is determined by the U.S. Postal Service postmark; receipt from the U.S. Postal Service; or receipt from a commercial delivery service.

The form for the Tier 3 Personal Financial Disclosure (Form 418b) statement is available on the Louisiana Board of Ethics website at www.ethics.state.la.us. If you have any questions, you may contact me at 225/219-5600 or 800/842-6630.

Sincerely,

A handwritten signature in cursive script that reads "Melanie Legier".

Melanie Legier
Compliance Officer

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Timothy P Kerner
1156 Jean Lafitte Blvd
Lafitte, LA 70067



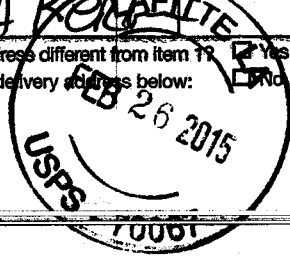
COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent ☐ Addressee
x *[Signature]*

B. Received by (Printed Name) C. Date of Delivery

DARIA KOLAFITTE

D. Is delivery address different from item 1? ☒ Yes ☐ No
If YES, enter delivery address below:



3. Service Type
☒ Certified Mail® ☐ Priority Mail Express™
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ Collect on Delivery

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number
(Transfer from service label)

7014 3490 0000 5526 1779

PS Form 3811, July 2013

Domestic Return Receipt

LOUISIANA BOARD OF ETHICS

Post Office Box 4368
Baton Rouge, Louisiana 70821

TIER 3 PERSONAL FINANCIAL DISCLOSURE STATEMENT (ANNUAL)

THIS REPORT COVERS CALENDAR YEAR: 2014☒ ORIGINAL REPORT☐ AMENDED REPORT☐ FINAL REPORT WHERE TERM ENDS IN JANUARY (COVERING JANUARY 1 THROUGH JANUARY ____)Final reports must be filed on or before May 15 of the year in which your service to that office ends.
Refer to the "GENERAL INFORMATION" sheet of this form to determine eligibility.OFFICE/POSITION HELD: Mayor - Town of Jean LafitteNAME (print full name): Timothy P. KernerMAILING Address: 1156 Jean Lafitte Blvd.City, State, Zip: Lafitte, LA 70063Name of Spouse (if applicable) (print full name): Darla P. KernerSpouse's Occupation: Government EmployeePrincipal Business Address: 1233 Westbank Expressway Payroll - Bldg. B Rm 100City, State Zip: Harvey, LA 70058

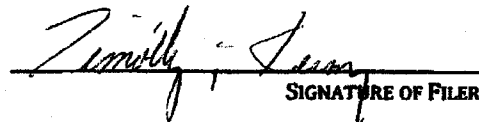
CHECK ALL THAT APPLY

☒ I have filed my federal income tax return for the previous year.☐ I have filed for an extension of my federal income tax return for the previous year.☒ I have filed my state income tax return for the previous year.☐ I have filed for an extension of my state income tax return for the previous year.

NOTE: La. R.S. 42:1124.3 does not provide you the opportunity to request an extension in filing your personal financial disclosure statement.

CERTIFICATION OF ACCURACY

I do hereby certify that the information contained in this personal financial disclosure statement is true and correct to the best of my knowledge and belief.


SIGNATURE OF FILER



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS

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CERTIFIED MAIL

NO. 70143490000055258205

RETURN RECEIPT REQUESTED

July 20, 2015

Timothy P Kerner
1156 Jean Lafitte Blvd
Lafitte, LA 70067

RE: Tier 3 Candidate Personal Financial Disclosure Statement for 2014
Mayor for Town of Jean Lafitte - Jefferson Parish
Late Fee Assessment – Report: - March 28, 2015 Election

Dear Mr. Kerner:

Enclosed is an assessment of a late fee pursuant to La. R.S. 42:1124.4. Please submit a check or money order in the amount of \$1,500 payable to the Louisiana State Treasurer, Post Office Box 4368, Baton Rouge, Louisiana 70821.

In addition to the payment of this late fee, you are required to file a Tier 3 Candidate Personal Financial Disclosure Statement for calendar year 2014, within 20 days from receipt of this notice. If the disclosure statement is not filed, the matter will be referred to the Ethics Board for further action.

You have 20 days from the receipt of this letter to submit payment or dispute this assessment. To dispute the assessment, you may elect to:

Request a waiver to the *Board of Ethics*

If you choose to request a waiver of the late fee, your request should include specific details, along with supporting documentation, as to why, in your opinion, you have *good cause* for not timely filing the report and why the late fee should be reduced, suspended, or waived. The request should be submitted to the attention of: *Louisiana Board of Ethics*, Post Office Box 4368, Baton Rouge, Louisiana 70821. You may also fax the request to 225/381-7271. Also, if you would like to appear before the Board of Ethics in connection with your request, you should state that in your request. If you request an appearance, you will be notified of the place and time prior to the meeting.

Appeal the assessment directly to the *Ethics Adjudicatory Board*

If you choose to appeal the assessment of the late fee, the proceedings will go before a three judge panel of administrative law judges. The panel will determine if you were required to file the disclosure statement and whether the disclosure statement was filed late. Mitigating factors are not considered. The Ethics Adjudicatory Board does not have the authority to reduce, suspend, or waive a late fee assessment. If you choose to *appeal* the assessment, you should submit your request to the attention of: *Executive Secretary*, Ethics Administration, Post Office Box 4368, Baton Rouge, Louisiana 70821. You may also fax the request to 225/381-7271.

If you do not pay, dispute, or appeal the assessment of the late fee, the matter will be forwarded to the Attorney General's Office to pursue collection. If the matter is forwarded to the Attorney General's Office for collection, you may be responsible for all additional costs incurred. Additionally, late fees not paid by the due date will be posted on the agency website.

You should be aware that unpaid fines, fees, or penalties may have an adverse effect on your ability to run for public office, as the *Board of Ethics* will object to your candidacy in future elections pursuant to La. R.S. 18:491 and 18:492.

If you have any questions, you may contact Robin Gremillion at 225/219-5600 or 1-800-842-6630.

Sincerely,

Donna Bourgeois

Donna Bourgeois
Administrative Coordinator

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Timothy P Kerner
1156 Jean Lafitte Blvd.
Lafitte, LA 70067



8205



9590 9403 0291 5155 0146 26

2. Art

7014 3490 0000 5525 8205

COMPLETE THIS SECTION ON DELIVERY

A. Signature

[Signature]

☒ Agent

☐ Addressee

B. Received by (Printed Name)

Darla Kerner

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below. ☐ No

JUL 23 2015

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®

- ☐ Certified Mail Restricted Delivery
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- ☐ Collect on Delivery Restricted Delivery

- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery

- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

Restricted Delivery

(over 5000)

PS Form 3811, April 2015 PSN 7530-02-000-9053

Domestic Return Receipt

Timothy P. Kerner
1156 Jean Lafitte Blvd.
Lafitte, LA 70067

July 23, 2015

Louisiana Board of Ethics
P. O. Box 4368
Baton Rouge, LA 70821

Re: Waiver of Late Fee Assessment for Tier 3 Candidate Personal Financial Disclosure
Statement for 2014 – Mayor of Town of Jean Lafitte – Jefferson Parish
Report – March 28, 2015 Election

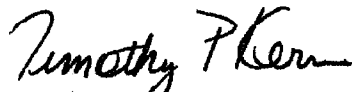
Gentlemen:

Per your letter dated July 20, 2015, please accept this request for a waiver of the late fee of \$1,500. There was a misunderstanding as to the preparation of the Personal Financial Disclosure statement between my CPA and me to which my CPA (Philip W. Rebowe – (504) 585-4442) can verify. My CPA thought I was preparing the Statement while I thought he was and that it had been properly and timely filed. I was travelling during this period which made communication with my office and CPA difficult.

As you know, I have a history of timely filings and can assure you that I have taken steps to assure that this will not occur again.

I appreciate your consideration of my request.

Sincerely,



Timothy P. Kerner

cc: Ms. Donna Bourgeois
Louisiana Board of Ethics

bettyz

StreemCenter Fax
07-23-2015 /16:31

XEROX®